

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LAKEA A. PERRY-STRONG and
PAUL J. STRONG,
Plaintiffs,

v.

ORDER
05-CV-282A

UNITED STATES OF AMERICA,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 16, 2005, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted because plaintiffs' claims are time barred without tolling.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to dismiss is granted.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: September 8 , 2005